

# OBJECTING TO A NOTICE OF INTENDED RELOCATION OF CHILDREN

King County Family Law Facilitator Instruction # R-2

RCW 26.09.430-.480

King County Local Family Law Rule 15

NOTE: If the intended move is within the same school district as the child now resides, a person entitled to court-ordered residential time or visitation may not object to the intended relocation but they retain the right to move for modification under RCW 26.09.260.

If you do not file an objection within 30 days after receipt of the relocation notice, the relocation of the child shall be permitted. If an objection is filed, the matter will be referred to King County Family Court Services for mediation.

## STEP 1: OBTAIN AND COMPLETE THE REQUIRED FORMS

These forms can be downloaded at: <http://www.kingcounty.gov/courts/scforms.aspx>

- [Case Assignment Designation and Case Information Cover Sheet](#)
- [Confidential Information Form, WPF DRPSCU 09.0200](#)

These forms can be downloaded at: [www.courts.wa.gov/forms](http://www.courts.wa.gov/forms)

- [Objection to Relocation/Petition for Modification of Custody Decree/Parenting Plan/Residential Schedule, WPF DRPSCU 07.0700](#)
- [Summons \(Objection to Relocation/Modification of Custody Decree/Parenting Plan/Residential Schedule\), WPF DRPSCU 07.0720](#)
- [Return of Service \(Objection to Relocation/Modification of Custody Decree/Parenting Plan/Residential Schedule\), WPF DRPSCU 07.0760](#)
- [Order on Objection to Relocation/Modification of Custody Decree/Parenting Plan/Residential Schedule \(Relocation\), WPF DRPSCU 07.0900](#)

If you are requesting a change in the Parenting Plan, you will also need:

- [Parenting Plan, WPF DR 01.0400 \(Dissolution or Legal Separation\)](#), or [Parenting Plan, WPF PS 15.0600 \(Petition to Establish Parenting Plan\)](#), or [Parenting Plan, WPF PS 01.0400 \(Petition to Establish Parentage\)](#)

*Before signing the final parenting plan, the court will consult the judicial information system and databases, if available, to determine the existence of any information and proceedings that are relevant to the placement of the children.*

If you are requesting a change in the amount of child support, you will also need:

- [Child Support Worksheets WSCSS – Worksheets](#) or [WSCSS – Worksheets RDP \(Registered Domestic Partnership\)](#)

Read the “[Child Support Schedule and Instructions](https://fortress.wa.gov/dshs/csips/ssgen/)” for information about how to complete the Worksheets. Online Child Support Calculation software is available at <https://fortress.wa.gov/dshs/csips/ssgen/>

- **Financial Declaration (WPF DR 01.1550)**
- **Order of Child Support (WPF DR 01.0500)**
- **Sealed Financial Source Documents (WPR DRPSCU 09.0220)**

Attach copies of the other financial documents required for a change in custody or child support: complete tax returns for the past 2 years with all schedules and W-2s; complete tax return for the year that the prior order of child support was entered; all pay stubs showing income for the past 6 months or since January 1, whichever period is greater; and statements of financial institutions for accounts listing you as account holder or in which you have an interest. If you have a partnership or corporation, see also King County Local Family Law Rule 10.

## **STEP 2: TALK TO AN ATTORNEY, IF POSSIBLE**

**These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action.** If you cannot afford to hire an attorney to represent you, you may be able to pay a lawyer to give you advice and review your paperwork for less cost. Contact the King County Bar Association Lawyer Referral Line for information about limited services representation. If you cannot afford these costs, there are limited free legal services available to low-income people. Contact the Facilitators’ office for a *Legal Resource List* or the King County Bar Association Lawyer Referral Line for information about resources for low income people. Even if you do not hire a lawyer to represent you throughout the proceeding, a lawyer can look over your paperwork, give you advice on how to present your evidence, and tell you whether this type of action is right for you.

## **STEP 3: MAKE COPIES AND FILE WITH THE CLERK**

Make one copy for **each party** of all the completed forms.

**File the originals of all the completed forms with the Clerk’s office.** Exceptions: Do not file the Order on Objection to Relocation or the Proposed Child Support Order. Also, the Return of Service form will be filed after service is completed.

**Pay the filing fee.**

## **STEP 4: HAVE THE OTHER PARTY SERVED**

**Have the other party served with a copy of the following:**

- Summons
- Objection to Relocation/Petition for Modification of Custody Decree/Parenting Plan/Residential Schedule
- Case Schedule

**And, if needed:**

- Parenting Plan (Proposed)
- Child Support Worksheets
- Financial Declaration
- Sealed Financial Source Documents
- Order of Child Support (Proposed)

**Arrange for someone to serve every party who has court-ordered time with the child(ren).**

You may serve using personal service. A person other than you, who is over the age of 18, delivers the papers to the other party, or leaves the papers at the other party's home with another responsible person who lives with the other party.

Or, you may use service by mail. Use any form of mail that requires a return receipt. The server will send the documents to the relocating party at the address designated for service on the Notice of Intended Relocation. Serve the other parties requiring notice at their mailing address.

Have the server complete a Return of Service form or a Declaration of Mailing form depending on which type of service was used. Make one copy of the form and file the original with the Clerk's office.

**If personal service is made outside the state of Washington**, you must also file a **Declaration Regarding Personal Service Outside the State of Washington (WPF DRPSCU 01.0180)**, explaining why personal service cannot be made in-state. Failure to file this form invalidates service. File the original with the Clerk and keep a copy for your records.

<b>STEP 5: WAIT FOR THE OTHER PARTY TO RESPOND</b>
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**If the other parent does not respond** by serving and filing the Response form within 20 days from the day they were served in the State of Washington (60 days if served outside the State of Washington), you can seek a default judgment, modifying the Parenting Plan/Residential Schedule. The motion for default must be noted on the Family Law Department Motions calendar with 14 days notice.

**If the other parent does respond** within 20 days from the day they were served in the State of Washington (60 days if served outside the State of Washington), follow the Case Schedule given to you by the Clerk when you filed your documents.

<b>STEP 6: FOLLOW YOUR CASE SCHEDULE AND PREPARE FOR TRIAL</b>
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**Follow your Case Schedule and meet all deadlines.** You will be referred to Family Court Services for mediation of parenting plan issues.

If you and the other parent are able to come to a final written agreement, you may finalize your Modification in the Ex Parte Courtroom. You will need to schedule a hearing in Ex Parte Courtroom on the final decree calendar at 1:30 p.m. by filing a Note

for Motion Docket form, for either **Kent** or **Seattle**. Choose a hearing date that will be at least 14 days from the date you file the Note for Motion Docket. When you go to your hearing, bring the original final forms, signed and filled out the way you would like the court to rule.

**Bring the following to your hearing:**

- Order on Objection to Relocation/Modification of Custody Decree/Parenting Plan/Residential Schedule (completed original)
- Final Parenting Plan or Final Residential Schedule (completed original)

**If a new order of child support is required you will also need:**

- Order of Child Support (completed original)
- Child Support Worksheets (completed original)

If agreement is not reached, proceed to Step 7.

<b>STEP 7: ATTEND PRE-TRIAL CONFERENCE AND DELIVER WORKING PAPERS</b>
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You will receive an Order Setting Pre-Trial Conference from your assigned Judge. This order will specify the date, time and place of the Pre-Trial Conference (approximately 2 months after the Objection to Relocation was filed.) Attendance is mandatory. Your case may be dismissed for failure to appear at this conference. After the Pre-Trial Conference you will be given an Order On Pre-Trial Conference, which will specify when to deliver your Working Papers, and what must be included in your Working Papers. Deliver the Working Papers to the Judge's Mailroom.

**Working Papers may include:**

- Objection/Petition (copy)
- Summons (copy)
- Return of Service signed by the Server (copy)
- Order On Objection to Relocation/Modification of Custody Decree/Parenting Plan/Residential Schedule (copy with "Proposed" written on it)
- Parenting Plan or Residential Schedule (Final) (copy with "Proposed" written on it)

**And, if applicable:**

- Child Support Worksheets (copy),
- Financial Declaration (copy)
- Sealed Financial Source Documents cover sheet and Attachments (copy)
- Order of Child Support (copy with "Proposed" written on it)

**Write the following in the top right hand corner of the first page of the Working Papers:**

WORKING PAPERS

ASSIGNED JUDGE: \_\_\_\_\_

TRIAL DATE: \_\_\_\_\_

Presented by: \_\_\_\_\_

## **STEP 8: GO TO YOUR TRIAL**

### **Bring the following to your trial:**

- Order on Objection to Relocation/Modification of Custody Decree/Parenting Plan/Residential Schedule (completed original)
- Final Parenting Plan or Final Residential Schedule (completed original)

### **If a new order of child support is required you will also need:**

- Order of Child Support (completed original)
- Child Support Worksheets (completed original)
- Copies of all the documents relating to your case.

### **Present your case.**

**Get copies** of all documents signed by the judge before you leave the courthouse.

**WARNING:** These instructions are not a substitute for legal advice. The laws and court rules are complex and following these instructions will not guarantee you a favorable result. It is always advisable to talk to a lawyer about your problem before filing your action. (You may be able to hire a lawyer for a small fee to review your completed forms and talk about your problem but not represent you in court). If you need a lawyer, contact the Family Law Facilitators' Office for a Legal Resources List or call the King County Bar Association.